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**IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

12 JEFF WHISTLER, *Plaintiff*,
13 v.
14 COUNTY OF SANTA CLARA; EDWARD
15 FLORES, individually and in his capacity as
16 Chief of the Santa Clara County Department of
17 Correction; ROBERT SILLEN, individually and
18 in his capacity as Executive Director of the Santa
19 Clara Valley Health and Hospital System; JOHN
20 DOE 1, individually and in his or her capacity as
21 Medical Director of the Santa Clara Valley Health
22 and Hospital System, whose true name is unknown
23 to plaintiff at this time; JOHN DOE 2, individually
24 and in his or her capacity as Medical Director of
25 Santa Clara Valley Custody Health System,
26 whose true name is unknown to plaintiff at this
27 time; NURSES NANCY DOE and RACHEL
28 ROE, individually and in their capacities as
nurses in the Santa Clara County jail system, the
identities and exact numbers of whom are
unknown to plaintiff at this time; MARIA
JUAREZ-REYES, M.D., PH.D.; DOCTORS
MICHAEL MOE and LINDA LOE, individually
and in their capacities as physicians performing
services for Santa Clara jail inmates, the identities
and exact numbers of whom are unknown to
plaintiff at this time; SERGEANT SCIMECA,
BADGE NO. 1601, individually and in his
capacity as a corrections sergeant for the Santa
Clara County Department of Corrections; CARL

No. C 06-02538 JW

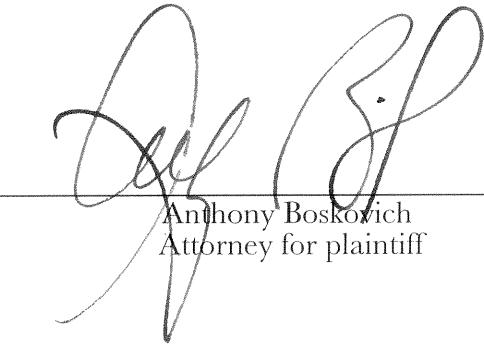
JOINT RESPONSE TO ORDER
TO SHOW CAUSE;
ORDER GRANTING CONTINUANCE
OF ORDER TO SHOW CAUSE
HEARING

1 ||COE and PAULA POE, individually and in their)
2 capacities as corrections officers for the Santa Clara)
3 County Department of Corrections, the identities)
4 and exact numbers of whom are unknown to)
5 plaintiff at this time; DOES 3 to 100,)
6 *Defendants.*)
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6 This matter resolved in March 2007 contingent upon release of a lien for medical services
7 by Medi-Cal in the amount of \$55,000. Counsel diligently attempted to compromise the lien, and
8 ultimately Medi-Cal wanted proof that the settlement was not based upon injuries for which Medi-
9 Cal provided services. A letter from Dr. Chyorny was prepared and submitted to Medi-Cal, which
10 stated that this was insufficient. A letter from defense counsel was then submitted describing the
11 basis for the settlement. On 10 October 2007 at 3:00 P.M. counsel for plaintiff received verbal
12 notification from Medi-Cal that the lien would be released based upon the documentation provided.
13 There is now no obstacle to resolution, but, in an abundance of caution, counsel request that the
14 Order to Show Cause be set aside and that 45 days be granted in which to receive written
15 confirmation from Medi-Cal, tender the settlement funds, and file a dismissal.

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17 Dated: 10 October 2007

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Anthony Boskovich
Attorney for plaintiff

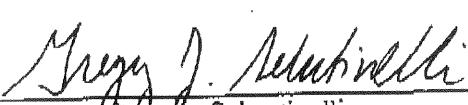
Gregory Sebastinelli
Attorney for defendants

1 COE and PAULA POE, individually and in their)
 2 capacities as corrections officers for the Santa Clara)
 3 County Department of Corrections, the identities)
 and exact numbers of whom are unknown to)
 3 plaintiff at this time; DOES 3 to 100,)
 Defendants.)
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Dated: 10 October 2007

Anthony Boskovich
Attorney for plaintiff

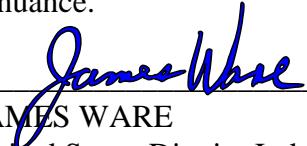

Gregory J. Sebastianelli

Attorney for defendants

ORDER

Based on the Joint Response above, the Court finds good cause to continue the Order to Show Cause Re: Settlement hearing currently scheduled for October 22, 2007 to **December 10, 2007 at 9 AM**. This is the parties' final continuance.

Dated: October 18, 2007


JAMES WARE
United States District Judge